

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1044 Session of 2011

INTRODUCED BY GROVE, BEAR, BOYD, CALTAGIRONE, CARROLL, COHEN, DeLUCA, DONATUCCI, FARRY, FLECK, GEIST, GIBBONS, GINGRICH, HALUSKA, HENNESSEY, JOSEPHS, KAUFFMAN, F. KELLER, LONGIETTI, MILLER, MOUL, MURT, PICKETT, READSHAW, REICHLEY, SABATINA, SONNEY, SWANGER AND VULAKOVICH, MARCH 14, 2011

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MARCH 14, 2011

AN ACT

1 Amending the act of August 26, 1971 (P.L.351, No.91), entitled
2 "An act providing for a State Lottery and administration
3 thereof; authorizing the creation of a State Lottery
4 Commission; prescribing its powers and duties; disposition of
5 funds; violations and penalties therefor; exemption of prizes
6 from State and local taxation and making an appropriation,"
7 in pharmaceutical assistance for the elderly, further
8 providing for program generally and for the Pharmaceutical
9 Assistance Contract for the Elderly Needs Enhancement Tier.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 509 of the act of August 26, 1971
13 (P.L.351, No.91), known as the State Lottery Law, is amended by
14 adding a paragraph to read:

15 Section 509. Program generally.

16 The program shall include the following:

17 * * *

18 (9) Any increase in eligibility for PACE or PACENET
19 shall be funded with savings realized as a direct result of

1 the PACE Plus Medicare program as provided under Subchapter
2 C.

3 Section 2. Section 519 of the act, amended July 7, 2006
4 (P.L.1061, No.111), is amended to read:

5 Section 519. The Pharmaceutical Assistance Contract for the
6 Elderly Needs Enhancement Tier.

7 (a) Establishment.--There is hereby established within the
8 department a program to be known as the Pharmaceutical
9 Assistance Contract for the Elderly Needs Enhancement Tier
10 (PACENET).

11 (b) PACENET eligibility.--A person with an annual income of
12 not less than \$14,500 and not more than [\$23,500] \$30,000 in the
13 case of a single person and of not less than \$17,700 and not
14 more than [\$31,500] \$40,000 in the case of the combined income
15 of persons married to each other shall be eligible for enhanced
16 pharmaceutical assistance under this section. A person may, in
17 reporting income to the department, round the amount of each
18 source of income and the income total to the nearest whole
19 dollar, whereby any amount which is less than 50¢ is eliminated.

20 (c.1) Premium.--In those instances in which a PACENET
21 claimant is not enrolled in Part D pursuant to section 533, the
22 claimant shall be required to pay a monthly premium equivalent
23 to the regional benchmark premium.

24 (d) Copayment.--

25 (1) For claimants under this section, the copayment
26 schedule shall be:

27 (i) eight dollars for noninnovator multiple source
28 drugs as defined in section 702; or

29 (ii) fifteen dollars for single-source drugs and
30 innovator multiple-source drugs as defined in section

1 702.

2 (2) The department shall annually calculate the
3 copayment schedules based on the Prescription Drugs and
4 Medical Supplies Consumer Price Index. When the aggregate
5 impact of the Prescription Drugs and Medical Supplies
6 Consumer Price Index equals or exceeds \$1, the department
7 shall adjust the copayment schedules. Each copayment schedule
8 shall not be increased by more than \$1 in a calendar year.
9 Section 3. This act shall take effect immediately.